

APPROVED

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
MANAGEMENT AND FISCAL POLICY COMMITTEE

Thursday, February 24, 2000
2:06 P.M. to 4:30 P.M.
Council Hearing Room

PRESENT

Marilyn J. Praisner, Chair

Phil Andrews

Betty Ann Krahne

ADDITIONAL COUNCILMEMBER PRESENT

Isiah Leggett

SUBJECT: Bill 1-00, Inspector General – Extension

The Committee had before it the memorandum and attachments from Senior Legislative Attorney Faden, dated February 24, 2000, and a memorandum from County Executive Duncan, dated February 23, 2000.

ACTION: Recommended approval of the following technical amendments:

Insert on page ©4 of the Committee's packet, at the end of the first sentence of § 2-151(g)(1), line 62, the following sentence: The term of each employee should be coterminous with the Inspector General's term unless the Inspector General specifies a different term when appointing the employee.

Insert the following language on page ©8 of the Committee's packet, line 156, and renumber current paragraph (3): (3) The Inspector General may administer an oath or affirmation or take an affidavit from any person as necessary to perform the Inspector General's duties.

Reviewed the proposed amendments contained in the County Executive's memorandum.

Recommended on page ©2 of the Committee packet, lines 10 and 11, the addition of the word and between the words “waste” and “abuse,” and the deletion of the words [[and management]]; and on page ©8, in renumbered paragraph (4), the deletion of the following words: [[or other mismanagement]]. Councilmember Praisner noted that the term “mismanagement” is subsumed in the words “fraud, waste, and abuse” which precede the word “mismanagement in both instances.”

Recommended approval of the changes to the term and qualifications of the Inspector General as contained in the bill on page ©3.

Reviewed the language on page ©4, lines 69-76, concerning legal services to be provided by the County Attorney and responsibilities of the County Attorney when the Inspector General requests special counsel.

In connection with lines 108-109 of the bill, discussed the intent of the Inspector General to uphold the objective of complying with applicable generally accepted government auditing standards. Recommended the deletion on page ©6, lines 108-109, of the words [[When appropriate, the Inspector General should comply with generally accepted government auditing standards.]] Agreed to add appropriate language in another section of the bill to indicate that the goal is to comply with applicable generally accepted government auditing standards.

On page ©6, after (k)(2), agreed to insert the following language: The Inspector General may keep any report or information gathered for use in any report confidential until the report is final. Requested that Mr. Faden revise the language as appropriate to make certain that it would apply to “work plan items” as well as reports.

In connection with the issues raised in the County Executive’s memorandum concerning §(l)(1) of the bill, agreed on the need to pursue at a later date issues regarding the availability of personnel information to the Inspector General, and whether the concept of Executive privilege applies to the Inspector General.

Agreed with the language on page ©7 that gives the Inspector General authority to issue subpoenas and administer oaths.

Recommended approval of Bill 1-00, as amended. Councilmember Praisner supported an amendment to the bill to extend the sunset date of the Office of the Inspector General to 2005 rather than to repeal it as will occur under the bill as introduced.

Councilmember Andrews, lead Councilmember for Personnel, in the Chair.

SUBJECT: Bill 26-99, Collective Bargaining - Amendments

The Committee had before it the memorandum and attachments from Mr. Faden, dated February 24, 2000.

ACTION: Received comments from a representative of the Office of Human Resources (OHR) that representatives of the Municipal and County Government Employees Organization (MCGEO) and OHR believed that the hybrid approach to binding arbitration might be confusing and therefore, opted for the total package approach (the last best offer for the entire contract).

Received comments from Councilmember Krahnke in opposition to the last best offer approach because of the focus it places on economic issues, and comments from Councilmember Andrews on his preference for a hybrid approach because the focus would be on a wider range of issues.

Received comments from Mr. Renne, MCGEO, that the last best offer approach ensures that non-economic issues will be addressed before entering into mediation.

Recommended a two package last best offer approach in which the arbitrator would review an economic package and a non-economic package and select the more reasonable of each. Councilmember Andrews indicated his preference for the original hybrid approach.

Recommended that changes in the scope of the bargaining unit not be addressed in this bill.

Instructed staff to modify the definition of “economic” so that is not narrowly drawn but retains the language requiring the mediator/arbitrator to decide any issue regarding whether a particular proposal is economic or non-economic; and to provide Committee members the opportunity to review the definition before the bill is brought before the Council.

Recommended amending the bill to require an impasse to be declared by February 1 and the arbitrator’s report by February 15 rather than as contained in existing law, January 15 and February 1, respectively.

Concurred with OHR and MCGEO not to amend the current law to allow the arbitrator to go beyond the County in considering private sector wages and benefits, or to direct the arbitrator to not diminish or condition management rights in determining whether a collective bargaining item is negotiable.

Recommended against Executive Branch Staff’s recommendation to lengthen the maximum term of a collective bargaining agreement with MCGEO from three to five years. Councilmember Praisner indicated her preference for a four-year maximum term.

Recommended against Bill 26-99, but indicated if the Council is inclined to adopt it, the Committee amendments would offer a reasonable approach. Councilmember Andrews voted for a positive recommendation, indicating that he supports binding arbitration for County employees.

**SUBJECT: FY 01-06 Capital Improvements Program: General Government
(Continued)**

The Committee had before it the memorandum from Legislative Analyst Sherer, dated February 17, 2000.

ACTION: Approved the total cost and funding for Glen Echo Park as was approved last year; added a statement to the position description form as follows: The County will reconsider the amount of County funding if the Federal or State governments do not contribute the amount of funding assumed in the Funding Schedule. This reconsideration will occur next year when the FY 00 and 01 actual Federal and State funding amount will be known, and can be used as a basis to better forecast State and Federal funding amounts for FY 02.

Reviewed the Moneysworth Farm House Reuse Project. Councilmember Andrews recommended approval of the FY 01 request of \$734,000; Councilmember Praisner recommended approval of \$441,000, the amount requested two years ago; and Councilmember Krahne recommended that the project not be funded because of her opposition to the Correctional Facility.

Deferred a decision on the Rockville Parking project until the County has further information on the State's decisions regarding the new District Court, the Rockville Library, the Rockville Core study, and the justification for the number of additional parking spaces needed. Agreed to continue discussion of this project in April.

This is an accurate account of the meeting:

Mary A. Edgar, CMC
Clerk of the Council

Minutes written by: Charles H. Sherer, Legislative Analyst, and
Mary A. Edgar